



COMMONWEALTH of VIRGINIA
STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

DRAFT MEETING AGENDA
Wednesday, September 28, 2022
DBHDS Central Office, Jefferson Building*
1220 Bank Street, Richmond, VA

CONCURRENT COMMITTEE MEETINGS

Wednesday, September 28, 2022, 8:30 a.m. – 9:25 a.m.
DBHDS Central Office, 13th Floor Large Conference Room, Jefferson Building
1220 Bank Street, Richmond, VA

***These meetings will be in person with a physical quorum present,
but electronic or phone connection is available.**

8:30	<ul style="list-style-type: none">• <u>Policy and Evaluation Committee</u> Room 844, 8th Floor (left of elevators) *OR Zoom Meeting: https://virginia-gov.zoomgov.com/j/1610862007 Meeting ID: 161 086 2007 Passcode: 651340OR <u>Phone:</u> 1 646 828 7666 US (New York) Meeting ID: 161 086 2007 Passcode: 651340 <hr/> <ul style="list-style-type: none">• <u>Planning and Budget Committee</u> 13th Floor Large Conference Room OR see main meeting info below (same login↓)	<p>Josie Mace <i>Legislative Manager</i></p> <p>_____ Ruth Anne Walker <i>Board Liaison</i></p>
9:25	Adjourn	

CONTINUED -

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

REGULAR MEETING

Wednesday, September 28, 2022

9:30 a.m. – 2:00 p.m.

DBHDS Central State Office, 13th Floor Large Conference Room, Jefferson Building
1220 Bank Street, Richmond, VA 23219

***This meeting will be in person with a physical quorum present, but electronic or phone connection is available:**

Join Zoom Meeting: <https://virginia-gov.zoomgov.com/j/1602100771> (this login is used for the Planning Committee)

Meeting ID: 160 210 0771

Passcode: 826037

OR

By Phone: +1 646 828 7666 US

Meeting ID: 160 210 0771

Passcode: 826037

1.	9:30	<p>Call to Order and Introductions</p> <p>Approval of September 28, 2022 Agenda ➤ <i>Action Required</i></p> <p>Approval of Draft Minutes Nominating Committee Meeting, July 12, 2022 Regular Meeting, July 13, 2022 ➤ <i>Action Required</i></p>	<p>Elizabeth Hilscher <i>Chair</i></p>	<p>4</p> <p>5</p>
2.	9:45	<p>Public Comment (<i>3 minute limit per speaker</i>) <i>Notice:</i> Public comment will not be accepted on petitions for rulemaking or regulatory actions in which the comment period has closed. It is preferred that persons wishing to give comment email ruthanne.walker@dbhds.virginia.gov no later than 5:00 p.m. September 27, 2022, indicating that they wish to provide a brief verbal comment. As the names of these individuals are announced at the beginning of the public comment period, three minutes of comment may be offered, within the overall time allowed for comments. Written public comment may be sent by email to ruthanne.walker@dbhds.virginia.gov no later than 5:00 p.m. on September 27, 2022. Instructions for calling into the meeting are included above on this page.</p>		
3.	10:00	<p>Commissioner’s Report</p>	<p>Ellen Harrison <i>Chief Deputy Commissioner</i></p>	
4.	10:45	<p>Regulatory Items</p> <p>A. Regulatory Updates.</p> <p>B. Initiate Periodic Review: Regulations to Ensure the Protection of Subjects in Human Research [12VAC35-180]. ➤ <i>Action requested.</i></p>	<p>Ruth Anne Walker <i>Regulatory Affairs Director</i></p> <p>Susan Puglisi <i>Regulatory Research Specialist</i></p>	<p>18</p> <p>17</p>

5.	11:15	Update: Opioid Crisis	Michael Zohab <i>Grant Manager</i> <i>Virginia State Opioid Response</i>	
6.	11:35	Update: Office of Recovery Services	Mark Blackwell <i>Director</i>	
7.	12:00	Lunch: Break and Collect Lunch		
8.	12:30	Update: Early Intervention Program (Part C)	Catherine Hancock <i>Program Manager</i>	
9.	12:50	Board Member Spotlight	Rebecca Graser	
10.	1:00	Update: Virginia Association of Community Services Boards	Jennifer Faison <i>VACSB Executive Director</i>	
11.	1:30	Semiannual Federal Grant Report (per <u>State Board Policy 2010 (ADM ST BD) 10-1</u>)	Eric Billings <i>Deputy Director</i> <i>Office of Fiscal and Grants Management</i> Dillon Gannon <i>Federal Grants Manager</i>	
12.	2:00	Committee Reports A. Policy and Evaluation B. Planning and Budget	Josie Mace Ruth Anne Walker	16 14
13.	2:15	Miscellaneous A. Liaison Updates C. Other Business	Elizabeth Hilscher	
14.	2:30	Adjournment		

*(Note: Times may run slightly ahead of or behind schedule.
If you are on the agenda, please plan to be at least 10 minutes early.)*

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Nominating Committee Meeting

DRAFT MEETING MINUTES

Tuesday, July 12, 2022, 4:45 p.m.

DHBDS, Room 844, 8th Floor, Jefferson Building,
1220 Bank Street, Richmond, VA 23219

This meeting was held in person with a physical quorum present.

		<p>Members Present: Kendall Lee; Christopher Olivo. Members Absent: Moira Mazzi. Staff: Ruth Anne Walker.</p>
I.	4:45 pm	<p>Call to Order Committee Chair Kendall Lee called the meeting to order. A quorum was present.</p>
II.	4:47 pm	<p>Approval of July 12, 2022, Agenda <i>On a motion by Christopher Olivo and a second by Dr. Lee, the agenda was approved.</i></p>
III.	4:48 pm	<p>Consideration of Nominees for Slate Dr. Lee referenced that the Bylaws of the Board lay out the timeframe for the nominations and elections of officers. He reported that after communicating with all members to confirm interest of anyone interested in running for the chair and vice chair positions, that only the current chair and vice chair were interested in running. <i>Mr. Olivo moved to nominate as a slate, Elizabeth Hilscher for the chair position and Rebecca Graser for the vice chair position. Dr. Lee seconded the motion. The vote was unanimous to adopt the slate as presented.</i></p> <p>Dr. Lee announced that the report of the committee would be made to the full board at the July 13, 2022, regular meeting.</p>
IV.	4:50 pm	<p>Adjournment Dr. Lee adjourned the meeting.</p>
<p>The Nominating Committee is an ad hoc committee formed by the current chair in accordance with Article 4 b. of the Bylaws.</p>		

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Regular Meeting DRAFT MEETING MINUTES

9:30 a.m., Wednesday, July 13, 2022

This meeting was held in person with a physical quorum present, with electronic or phone connection available. A recording of the meeting is available.

Members Present	Elizabeth Hilscher, Chair; R. Blake Andis; Varun Choudhary (electronic); Kendall Lee; Christopher Olivo; Sandra Price-Stroble.
Members Absent	Rebecca Graser, Vice Chair; Moira Mazzi.
Staff Present	<ul style="list-style-type: none"> • Emily Bowles, Office of Licensing Associate Director for Licensing, Regulatory Compliance, Quality, and Training. • Taneika Goldman, Human Rights Director. • Margaret “Mickie” Jones, Architectural and Engineering Services Director. • Josie Mace, Legislative Affairs Manager. • Meghan McGuire, Chief Public Relations Officer. • Nathan Miles, Budget Director. • Dev Nair, Assistant Commissioner, Provider Management. • Heather Norton, Assistant Commissioner, Developmental Services. • Susan Puglisi, Regulatory Research Specialist. • Nelson Smith, Commissioner. • Ruth Anne Walker, Regulatory Affairs Director and State Board Liaison.
Guests Present	<p>Invited guests:</p> <ul style="list-style-type: none"> • Jennifer Faison, Executive Director, Virginia Association of Community Services Boards. • Julie Allen, Chair, State Human Rights Committee. <p>Other Guests Physically Present:</p> <ul style="list-style-type: none"> • Jennifer Spangler. • Jessica DeLaRosa. <p>Other Guests Attending Electronically:</p> <ul style="list-style-type: none"> • Charlotte Arbogast, Virginia Department of Aging and Rehabilitative Services (DARS). • Leah Mills, Deputy Secretary, Office of the Secretary of Health and Human Resources (HHR). • LeVar Bowers; Maxwell Cason; Cindy DiFranco; Heidi Dix; Alex Guzman; Mark Hickman; phone ending in -100; phone ending in -428.

Call to Order and Introductions	At 9:33 a.m., Elizabeth Hilscher, Chair, called the meeting to order and welcomed those present. A quorum of five members was physically present, and a sixth member participated electronically.
Approval of Agenda	<i>At 9:34 a.m. the State Board voted to adopt the July 13, 2022, agenda, with one change to eliminate the Board Member Spotlight. On a motion by Kendall Lee and a second by Varun Choudhary, the agenda was approved.</i>
Approval of Draft Minutes	Regular Meeting, March 30, 2022 <i>At 9:33 a.m., on a motion by Sandra Price-Stroble and a second by Kendall Lee, the March minutes were approved as final.</i>
Officer Elections	<p>At 9:37 a.m., Ms. Hilscher turned the gavel over to Kendall Lee for the officer election process.</p> <p>A. Presentation of the Slate of Candidates Nominating Committee Chair Kendall Lee presented the slate of officers as adopted by the committee on July 12, 2022, to reelect Elizabeth Hilscher as Chair and Rebecca Graser as Vice Chair.</p> <p>B. Nominations from the Floor Dr. Lee asked for any nominations from the floor; there were none.</p> <p>C. Election <i>On a motion from Sandra Price-Stroble and a second from Blake Andis, Ms. Hilscher was reelected as chair. On a motion from Christopher Olivo and a second from Elizabeth Hilscher, Ms. Graser was reelected as vice chair.</i></p> <p>D. Passing of the Gavel Dr. Lee passed the gavel back to Ms. Hilscher.</p> <p>Ms. Hilscher returned to Introductions to welcome new board member R. Blake Andis, Washington County Sheriff.</p>
Public Comment	<p>At 9:45 a.m., Ms. Hilscher stated a period for public comment was included on the draft agenda, public comment would not be accepted on petitions for rulemaking or regulatory actions in which the comment period had closed, and that two citizens were in attendance to give comment.</p> <ol style="list-style-type: none"> 1. Jessica DeLaRosa, resident of Virginia Beach, stated she is working towards certification this summer as a peer recovery specialist (CPRS). She spoke towards the important role of peers in the system, particular during the gap between discharge and the start of the continuum of care in the community as peers can facilitate that transition. Ms. DeLaRosa reported that the Behavioral Health Commission identified three major needs of the system: strengthening the workforce, expanding the continuum of care, and modernizing systems and processes. For

	<p>instance, in 2017 SAMHSA reported on the value of peer support demonstrated in better outcomes.</p> <p>2. Jennifer Spangler, resident of Chesterfield, former member of the State Board, and disability rights advocate, provided a handout of peer-run organizations funded by DBHDS around the state by region and asked that the board consider visits to those organizations when normal liaison and other board travel activities resume. She considers true peer-run organizations are those with people that identify as peers or individuals receiving services in all organization positions from staff and directors to board members and volunteers; some have at least 51% of their workforce as individuals receiving services. Ms. Spangler concurred with Ms. DeLaRosa that research shows that PRS professionals improve outcomes for individuals receiving services throughout behavioral healthcare systems. A recovery-oriented system is one that helps people find hope and empowerment in exerting their liberties. PRS professionals can help with individual and group counseling, in the development of a wellness recovery and action plan (WRAP), and other helpful activities. She asked the board to promote those services statewide. Ms. Spangler described the benefits of receiving PRS services herself, her involvement with PRS' since 2015, and how her understanding of the role and vital value of CPRS and RPRS (those certified and registered with the Board of Counseling who can bill Medicaid for services) increased by her own interactions with a local organization. She relayed how in her time of greatest vulnerability, having a group led by a peer who was not in a position of power over her provided a feeling of safety she had not before encountered.</p> <p>Ms. Hilscher thanked Ms. DeLaRosa and Ms. Spangler for commenting, and also spoke of the value of having someone who had suffered a similar trauma as her own speak with her. Dr. Lee also thanked the commenters for helping him to put a face to the work and increase his understanding of the peer role.</p>
<p>Commissioner's Report</p>	<p>At 10 a.m., Nelson Smith gave his report on the following topics:</p> <ul style="list-style-type: none"> • COVID and its impact on the Virginia population as a whole. Virginians continue to be more at risk of depression, anxiety, and substance misuse than before the pandemic. • The US Department of Justice's Settlement Agreement with Virginia, and the Medicaid Developmental Disability Waiver waiting list. • Prevention of substance use disorders.

	<ul style="list-style-type: none"> • State facility extraordinary barriers to discharge list (EBL). • Alternative Custody Workgroup. • Increase in DBHDS licensed providers over the past 10 years. • Crisis system transformation. • North Star Plan objectives: Strengthening workforce; expanding the continuum of care; and modernizing systems and processes. <p><i>Ms. Hilscher called for a 10 minute break at 10:35 a.m.</i></p>
<p>Regulatory Actions</p>	<p>At 10:46 a.m., Ruth Anne Walker provided updates and explanations of regulatory actions as listed in the matrix on page 24 of the packet. Members then took action on the following:</p> <p>C. Final Stage and Emergency Extension Requests</p> <p>Before taking action, the board received an explanation on the three final actions from Susan Puglisi, Regulatory Research Specialist. Emily Bowles, Office of Licensing Associate Director for Licensing, Regulatory Compliance, Quality, and Training, was available to answer questions.</p> <ol style="list-style-type: none"> 1. Childrens Residential Regulations, 12VAC35-46: ASAM Criteria. 2. Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services, 12VAC35-105: ASAM Criteria. 3. Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services, 12VAC35-105: Behavioral Health Expansion. <p><i>On a motion by Varun Choudhary and a second by Kendall Lee, the board unanimously approved initiation of the final stage for the above three actions. On a motion from Sandra Price-Stroble and a second by Blake Andis, the board unanimously authorized requests for emergency extensions for all three of the above actions, to allow for completion of the final stage.</i></p> <p>D. Petition for Rulemaking #366: Amendments to Incorporate Requirements for Certified Preadmission Screening Clinicians.</p> <p><i>On a motion by Blake Andis and second by Sandra Price-Stroble, the board voted unanimously to deny the petition (take no action) as the request was outside of the scope of the board.</i></p> <p>E. Operation of the Individual and Family Support Program (IFSP), 12VAC35-230: Emergency/NOIRA Action with Periodic Review.</p> <p>Ms. Norton provided background on the IFSP, including the focus of the program to prioritize individuals most at risk for</p>

	<p>institutionalization. She explained the purpose behind the amendments. Ms. Walker explained that the draft in the packet shows current language to new language, but the style requirements of the Office of the Registrar would require the formal filing to have all regulatory language look new when a subsection number is changed.</p> <p style="text-align: center;">1. Emergency Mandate to Facilitate Compliance (Item 313.NN.).</p> <p style="text-align: center;">2. Periodic Review.</p> <p><i>On a motion by Kendall Lee and a second by Varun Choudhary, the board voted unanimously to authorize promulgation of an emergency/NOIRA action for Item C.1. above. On a motion by Kendall Lee and a second by Christopher Olivo, the board voted unanimously to authorize initiation of a periodic review as part of that action.</i></p>
<p>Update: Settlement Agreement</p>	<p>At 11:17 a.m., Heather Norton, Assistant Commissioner for Developmental Services, outlined updates including:</p> <p>Settlement Agreement</p> <ul style="list-style-type: none"> • It was extended by court order to December 31, 2023. • A public status conference is scheduled for August 11, 2022, at 1:00 p.m. • Monthly parties meeting with the court for review of at least four actions taken by the Commonwealth to meet indicator requirements. • Curative action filings. • Independent Reviewer's 20th Report to the Court. • Provision areas for the upcoming review period. <p><u>Waiver Waiting List and Waiver Rates</u></p> <ul style="list-style-type: none"> • Counts for the waitlist and active Waivers. • Final budget updates for FY 2023 (waiver slots, DMAS has authority to (i) update rates for DD waiver services and the total amount budgeted for those increases, and (ii) increase rates for certain specific services. <p>Mr. Olivo asked two questions:</p> <p>1. With the understanding that funding is limited overall, is there any data on how many individuals placed in Priority 3 end up on Priority 1 as they wait for a waiver slot? Meaning, how often [the system] misses an opportunity for more intense services [sooner] that will mean a more independent future.</p> <p>Ms. Norton stated there are individuals on Priority 2 and 3 that will automatically move to Priority 1 because of graduating from high school at 22 years old. It is now a</p>

	<p>criteria in Priority 1 that as long as someone is no longer eligible for IDEA services and until they are 27 years old, they will be in Priority 1 because of the hope that in the five years until they are 27, they will get on a waiver. It can be reviewed on Priority 2 and 3 based on age who will be coming over to Priority 1 in the next year or two for that criteria. The other criteria is whether something happens to the caregiver situation; that is not available data.</p> <p>2. Is there any longitudinal data tracking those who get on a waiver who then come off the list, for example, getting a slot versus moving away or someone gets tired of waiting? Ms. Norton stated it is known how many come off the list due to receiving a waiver slot, and have a dashboard that shows the trajectory over time based on those slots allocated by the General Assembly and reassignment of slots due to attrition. She noted that there is also an emergency slot process for those in a critical situation; there are about 50 slots that came from training center or state hospital discharges, or either crisis therapeutic or adult transition homes. So, in those three ways, slots are tracked. However, she is not sure there is a way to track when people move away; she would check with staff.</p>
<p>Human Rights Annual Report</p>	<p>At 11:45 a.m., Taneika Goldman, State Human Rights Director, provided the annual report and was accompanied by Julie Allen, Chair, State Human Rights Committee. Information reviewed included the:</p> <ul style="list-style-type: none"> • History and authority of the office; organizational structure related to the rest of the agency; organization of the office including regional boundaries; 2021 meetings; SHRC membership, and mission. • Goals and activities of the SHRC 2021 work plan. • Highlights from 2021: COVID-19 pandemic response; mission critical re-organization; facility notice of violation letters; revised facility peer-to-peer neglect guidance; substantiated abuse response; inter-agency collaboration; statewide stakeholder training strategy. • Facility and community data related to complaints of violations of assured rights.
<p>Lunch: Break and Collect Lunch</p>	<p><i>At 12:12 p.m., Ms. Hilscher suspended the meeting for a 30 minute lunch break, to reconvene at 12:45 p.m.</i></p>
<p>A&E Update: General State of Agency Facilities and Capital Projects</p>	<p>At 12:45 p.m., Margaret (“Mickie”) Jones, Director, Office of Architectural & Engineering Services, gave an overview of how within the last 12 years DBHDS reduced its facility footprint from approximately 3,000 acres to 1,375 acres across all facilities, and further reduction of 645 acres is anticipated at two state hospitals.</p>

	<p>Current projects are valued at more than \$298M in various stages of design and construction. Ms. Jones explained the number of facilities replaced in the past 15 years, current major infrastructure projects at three facilities, and the highest priorities for the new budget year. Also, there are three projects managed by the Department of General Services at DBHDS facilities.</p> <p>Ms. Jones was asked how long she had served in state government and length of service at DBHDS; she responded 36 years, all at DBHDS. Ms. Jones stated that the mission of DBHDS is special and she hopes that improvements and design help the individuals receiving services and facility staff. She complimented the work of facility staff.</p>
<p>Update: Virginia Association of Community Services Boards</p>	<p>Jennifer Faison, Executive Director, VACSB, reported on outcomes from community services boards (CSBs) in the final budget, including that it did not have funding related to the four-pronged approach to workforce stabilization and development that VACSB put forth as its number one priority. Funding for that approach that was in the budgets passed by the House and Senate was removed by the conference committee. VACSB anticipates a similar request next session and to be able to tie it to the Joint Legislative Audit and Review Committee (JLARC) study on CSBs and the study required in budget language to study CSB workforce. CSBs are included in the category to receive raises of state supported local employees; however, the funding CSBs will receive will not be enough to cover a 5% pay increase for all of the full-time employees because of the way the distribution amount is calculated. Ms. Faison then reviewed other funding received for various services. Other activities VACSB is tracking include the Governor’s Safe and Sound Task Force, Joint Commission on Health Care (JCHC), a new DBHDS workgroup mandated in HB659 regarding appropriate investigations of recently deceased individuals with DD, and the Alternative Custody Workgroup.</p> <p>Dr. Lee stated the Early Intervention programs are grateful for the Part C funding and thanked Ms. Faison and VACSB for that advocacy. Also, referral numbers are increasing across the state; in his area they are up 10%. Ms. Faison responded that it is one of the few programs where there is excellent data to show the prevention of long-term costs.</p>
<p>Committee Reports</p>	<p>At 1:20 p.m., Ms. Walker reported on the discussion in the Planning and Budget Committee:</p> <ul style="list-style-type: none"> • Meghan McGuire, Chief Public Relations Officer, spoke to about the commissioner’s strategic North Star Plan. • New regulatory requirements for all agencies set out under Executive Directive 1 and Executive Order 19 were mentioned informationally. • Board topics by meeting through March 2023 and possible meeting dates for March and July 2023.

	<ul style="list-style-type: none"> • Quarterly board budget report. <p>Ms. Mace reported that due to a lack of a quorum, the Policy and Evaluation Committee did not meet that morning as planned; committee members would be polled to find the date of another meeting before the September meeting. The board received updated lists of the 2022 Policy Review Plan and the overall Policy Review Schedule. Ms. Mace reported on policy reviews completed in 2021, and that the committee decided not to review the STEP-VA package as originally planned, though that may be revisited. There are four policies due for review in 2022; a few more were added to the review scheduled for 2023.</p>
<p>2022 Post-Session Updates</p>	<p>At 1:30 p.m., Nathan Miles, Budget Director, reported on changes in the final budget versus that reported at the March board meeting including the 5% raise for state employees, additional funding for crisis receiving centers, DD Waiver rate increases (DMAS), and compensation for DBHDS state facility direct care staff to the 50th percentile. One other change was the elimination of \$100 million from the General Fund in the second year for unidentified behavioral health services based on a study included in the introduced budget (the study was also removed); this change was expected. The Governor added funding for additional security staff at two state facilities in order to improve patient and staff safety. Overall, there was approximately a \$200 million increase to the system, not counting Medicaid DD Waivers.</p> <p>Josie Mace, Legislative Affairs Manager, reported on legislative updates noting that the legislative proposal submission process for the 2023 session was underway internally. Most drafts were due to the internal Policy and Legislative Affairs team by Friday. Ms. Mace reminded the board that the draft proposals are considered Governor’s Confidential Working Papers and thus, are confidential and could not be shared. All but one of the legislative workgroups for the year has had its first meeting. Active workgroups include Guardianship; Alternative Custody (led by the Secretary’s Office with DBHDS closely involved); Mortality Investigations and Prevention; Problem Gambling and Treatment Fund; and a group of stakeholders meeting regularly around Marcus alert that will meet regionally.</p>
<p>Miscellaneous</p>	<p>At 1:47 p.m., Ms. Hilscher opened the miscellaneous topics:</p> <ul style="list-style-type: none"> • She explained a brief background of the liaison role, and asked Sheriff Andis to take the liaison assignment for the southwestern part of the state; he agreed. Also, she announced her appointment of Blake Andis to the Planning and Budget Committee. • Ms. Hilscher reminded the board to consider the March and July 2023 dates mentioned earlier in the meeting. • Members were reminded that the board budget allows for certain conferences around the state. If members are

	<p>interested, they should reach out to Ms. Walker to coordinate.</p> <ul style="list-style-type: none"> • If there is a topic of interest to a board member for possible presentation at a future meeting, members should let Ms. Hilscher and Ms. Walker know. <p>Ms. Walker reported that a resolution and plaque for two former members who resigned in the last six months (J. Hughes and E.P. Cash) were ready would be sent to the former members.</p>
Adjournment	<p>There being no other business, Ms. Hilscher adjourned the meeting at 1:54 p.m.</p>

2022-2023 MEETING SCHEDULE (updated September 14)

DATE	Location
Sept 28, 2022 (Wed)	Central Office, DBHDS Richmond
December 7, 2022 (Wed)	Central Office, DBHDS Richmond
March 29, 2023 (Wed)	<i>TBD outside of Richmond</i>
July 12, 2023 (Wed)	Central Office, DBHDS Richmond
?Fall 2023	<i>TBD outside of Richmond</i>
December ?, 2023	Central Office, DBHDS Richmond

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Planning and Budget Committee

DRAFT MINUTES

July 13, 2022

8:30 a.m. – 9:25 a.m.

DHBDS, 13TH FLOOR CONFERENCE ROOM,
JEFFERSON BUILDING, 1220 BANK STREET, RICHMOND, VA 23219

This meeting was held in person with a physical quorum present, with electronic or phone connection available. A recording of the meeting is available.

Members present: Elizabeth Hilscher, Chair; Blake Andis; Christopher Olivo.

Others present: Meghan McGuire; Susan Puglisi; Ruth Anne Walker.

I. Call to Order

Chair Elizabeth Hilscher called the meeting to order at 8:33 a.m.

Ms. Hilscher declared a quorum was present, with one vacant position remaining.

II. Welcome and Introductions

III. Adoption of Minutes, March 30, 2022

On a motion by Christopher Olivo and a second by Blake Andis, the minutes were adopted.

IV. Standing Item: *Identification of services and support needs, critical issues, strategic responses, and resource requirements to be included in long-range plans; work with the department to obtain, review, and respond to public comments on draft plans; and monitor department progress in implementing long-range programs and plans.*

A. Update on North Star Strategic Plan

Meghan McGuire, Chief Public Relations Officer, provided an update on the objectives and key results within the commissioner's strategic plan for the agency, North Star.

B. Discussion of Identified Priorities (within the framework of required agency strategic and budget development processes):

- i. Review the priorities set at the Biennial Planning Meeting.

C. Review of topic areas for board meetings through December 2022.

Ruth Anne Walker provided an updated chart of planned topics for meetings covering Items B and C above and the committee discussed topics to suggest to the full board.

D. Spring and Summer Meeting Dates.

The committee considered March 29, 2023, and July 12, 2023, for meeting dates to recommend to the full board, with the afternoon of July 11, 2023, for the biennial planning meeting.

V. Standing Item: *Ensure that the agency's budget priorities and submission packages reflect State Board policies and shall, through the Board's biennial planning retreat, review and comment on major funding issues affecting the behavioral health and developmental services system, in accordance with procedures established in POLICY 2010 (ADM ST BD) 10-1.*

A. State Board Quarterly Budget Report. *handout*

Ms. Walker distributed the latest report for general information and reminded members that each July 1, with the last year's remaining funds 'swept' and the replenishment of the budget for the new fiscal year.

- VI. Semi Annual Federal Grant Report:** *The department shall provide a semi-annual report of all federal grants currently under consideration as well as those being actively pursued. Additionally, the report will include all grants that have been submitted in the last six months. Finally, the reward status of all submitted grants will be outlined to the Board.*

This report will occur at the September full board meeting.

VII. Other Business

A. Regulatory Process Changes: ED1 and EO19.

Ms. Walker gave a high level overview for informational purpose of the changes to state agency regulatory processes.

VIII. Next Steps:

A. Standing Item: *Provide updates on committee planning activities to the Board.*

B. Next Meeting (*September 2022*).

IX. Adjournment

There being no further business, Ms. Hilscher adjourned the meeting at 9:20 a.m.

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Policy and Evaluation Committee

DRAFT MINUTES

MARCH 30, 2022

8:30-9:25 AM

DHBDS, 8TH FLOOR NORTH SUITE CONFERENCE ROOM,
JEFFERSON BUILDING, 1220 BANK STREET, RICHMOND, VA 23219

*This meeting was held in person with a physical quorum present,
with electronic or phone connection available.*

[Note: No business was conducted in July due to the lack of a physical quorum.]

Members Present: Rebecca Graser, Committee Chair; Varun Choudhary; Kendall Lee; Moira Mazzi; Sandra Price-Stroble.

Members Absent: None.

Staff: Alex Harris.

Guests: JLARC staff - Kate Agnelli, Levar Bowers, Drew Dickinson, Tess Hintereger, Dillon Wild.

I. Call to Order

Rebecca Graser called the meeting to order at 8:34 am.

II. Welcome and Introductions

Ms. Graser welcomed all to the meeting.

III. Review of 2021 Policy Review Plan and Presentation of Policies for Discussion

A. 1030(SYS)90-3: Consistent Collection and Utilization of Data in State Facilities and Community Services Boards

Ms. Graser noted a subject matter expert is needed for the next meeting to provide background on this policy.

B. 1034(SYS)05-1: Partnership Agreement Revisions

Ms. Graser noted that these revisions were discussed with DBHDS staff at the December meeting. Varun Choudhary made a motion to approve the revisions, and Kendall Lee seconded. The motion passed.

IV. Discussion and Review Plan for 2022 Policy Review

Alex Harris briefly reviewed the policy review plan for 2022, and the committee members agreed to the plan and had no questions.

V. Adjournment

Ms. Graser adjourned the meeting at 8:45 a.m.

All current policies of the State Board are on the agency website at:
<https://www.dbhds.virginia.gov/about-dbhds/Boards-Councils/state-board-of-BHDS/bhds-policies>



COMMONWEALTH of VIRGINIA

NELSON SMITH
COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Post Office Box 1797
Richmond, Virginia 23218-1797

Telephone (804) 786-3921
Fax (804) 371-6638
www.dbhds.virginia.gov

MEMORANDUM

To: Members, State Board of Behavioral Health and Developmental Services

Fr: Ruth Anne Walker, Director of Regulatory Affairs

Date: September 15, 2022

Regulatory Activity Status Report and Action Items:

I. Regulatory Activity Status Report, p.18.

II. Required Periodic Review of One Regulation.

(See the flow chart of the process: <http://townhall.virginia.gov/UM/chartperiodicreview.pdf>)

Background: Existing regulations must be examined at least every four years to review statutory authority and assure that the regulations do not exceed the Board's statutory authority. Investigation should be conducted for any alternatives to the regulation and any need to modify the regulation to meet current needs.

Purpose: The regulation is submitted to the State Board for consideration for review as required. It defines policy and review requirements to protect individuals with mental illness, developmental disabilities, or substance use disorders who are participants in human research performed by facilities or programs operated, funded, or licensed by DBHDS.

Action Requested: Direct that a periodic review is initiated for the following regulations.

VAC Citation	Title	Last Review
12 VAC 35-180	Regulations to Ensure the Protection of Subjects in Human Research	10/10/2018

Next Steps:

If approved, staff initiates the periodic review. At the conclusion of the 21-day (minimum) comment period, staff develops recommended Board action on the regulations for. The choices for action are:

- A. Propose to retain the regulation in its current form.
 - B. Propose to amend or abolish the regulation. (Notice of Intended Regulatory Action)
- Propose to amend the regulation through an exempt action.

I. **REGULATORY ACTIVITY STATUS REPORT: SEPTEMBER 2022 (REVISED 09/15/22)**

Board		STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES		
VAC CITATION	CHAPTER TITLE (FULL TITLE)	REGULATIONS IN PROCESS		
		PURPOSE	STAGE	STATUS
12 VAC 35-46 Certain sections and NEW Sections 1150-1250.	Regulations for Children's Residential Facilities	In accordance with Item 318.B. of the 2020 Appropriation Act to align with the American Society of Addiction Medicine (ASAM) Levels of Care Criteria or an equivalent set of criteria.	• Emergency: To Standard; in final stage.	• Effective 2/20/2021; extended to 02/18/2023. Final stage filed 7/14/2022; with HHR.
12 VAC 35-46 Certain sections and NEW Sections.	<i>same</i>	In accordance with Item 318.D. of the 2021 Appropriation Act to align with the requirements of the federal Family First Prevention Service Act to meet the standards as qualified residential treatment programs (QRTPs).	• Emergency: To Standard; in proposed stage.	• Effective 01/10/22. Expires 07/09/23. Currently in proposed stage with HHR.
12 VAC 35-46	<i>same</i>	To provide the process and standards for licensing children's residential facilities.	• <i>Draft in process.</i>	• Periodic review public comment closed 5/16/2022. <i>Amend (part of larger licensing overhaul); draft in progress.</i>
<u>12 VAC 35-105</u> Certain sections.	Rules and Regulations for Licensing Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services	In accordance with Item 318.B. of the 2020 Appropriation Act, amendments to align with ASAM criteria.	• Emergency: To Standard; in final stage.	• Effective 2/20/2021; extended to 02/18/2023. Final stage filed 7/14/2022; with HHR.
<u>12 VAC 35-105</u> Certain sections.	<i>same</i>	In accordance with Item 318.B. of the 2020 Appropriation Act, amendments to align with enhanced behavioral health services.	• Emergency: To Standard; in final stage.	• Effective 2/20/2021; extended to 02/18/2023. Final stage filed 7/14/2022; with HHR.
<u>12 VAC 35-105</u> Certain sections.		<i>In accordance with federal regulation, amendments for mobile medication assisted treatment programs in Virginia.</i>	• Exempt.	• <i>Expect in December.</i>
<u>12 VAC 35-115</u>	Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services	To protect the legal and human rights of all individuals who receive services in programs and facilities operated, funded, or licensed by DBHDS.	• <i>Draft in process.</i>	• Periodic review public comment forum closed on 01/25/2021. <i>Amend; draft in progress.</i>
<u>12 VAC 35-180</u>	Regulations to Assure the Protection of Participants in Human Research	To protect individuals who are participants in human research performed by facilities or programs operated, funded, or licensed by DBHDS	• <i>Periodic review requested.</i>	➤ <i>Action requested: Authorize periodic review.</i>

<u>12 VAC 35-230</u>	Operation of the Individual and Family Support Program	In accordance with the mandate in Item 313.NN , of the 2022 Special Session 1 Appropriation to facilitate compliance with the U. S. Department of Justice’s Settlement Agreement with Virginia by establishing criteria, annual funding priorities, and to ensure annual public input.	<ul style="list-style-type: none"> • Emergency/NOIRA and periodic review. 	<ul style="list-style-type: none"> • Emergency/NOIRA and periodic review filed on 07/15/2022; with OAG.
<u>12 VAC 34-250</u>	Certified Recovery Residences	To implement the changes in the Code of Virginia per HB 277/SB 622 (2022) regarding DBHDS certification, minimum square footage, and disclosure of credentialing entity.	<ul style="list-style-type: none"> • <i>Draft in progress.</i> 	<ul style="list-style-type: none"> • <i>Expect in December.</i>

DIRECTIONS

Wednesday, September 28, 2022

**Virginia Department of Behavioral Health and Developmental Services,
13th Floor Large Conference Room, Jefferson Building, 1220 Bank Street, Richmond, VA 23219**

Time: **Committees at 8:30 a.m.**, Regular Board Meeting at 9:30 a.m.

- **Planning and Budget Committee** will meet in the 13th Floor Large Conference Room.
- **Policy and Evaluation Committee** will meet in Room 844 on the 8th Floor.

Regular Meeting Location: **Virginia Department of Behavioral Health and Developmental Services,
13th Floor Large Conference Room, Jefferson Building,
1220 Bank Street, Richmond, VA 23219**

This page has **driving directions to the DBHDS Central Office in the Jefferson Building**, 1220 Bank Street. Below are general directions based on your starting point. View a [Capitol area site plan](http://www.dbhds.virginia.gov/documents/sitePlan-RichCapitol.pdf) (<http://www.dbhds.virginia.gov/documents/sitePlan-RichCapitol.pdf>) that you can adjust for magnification.

FROM I-64 EAST AND WEST OF RICHMOND

- Driving on I-64 towards Richmond, get onto I-95 South and continue into the downtown area on I-95.
- Take Exit 74B, Franklin Street.
- Follow Directions Below: 'Continue Downtown'

FROM I-95 NORTH OF RICHMOND

- Continue south on I-95 into the downtown area.
- Take Exit 74B, Franklin Street.
- Follow Directions Below: 'Continue Downtown'

FROM I-95 SOUTH OF RICHMOND

- Cross the bridge over the James River.
- Exit to your Right on exit 74C– Route 360 (17th Street is one-way) and continue to Broad Street.
- Turn Right onto Broad Street
- Turn Left onto 14th Street (first light after crossing over I-95)
- Follow Directions Below: 'Continue Downtown'

➤ CONTINUE DOWNTOWN - DIRECTIONS AFTER EXITING I-95

- Turn Right onto Franklin Street at the traffic light at the bottom of the exit.
- Cross through the next light at 14th Street (Franklin Street becomes Bank Street)
- Look for on-street meter parking in the block between 14th and 13th Streets, or on 14th or Main streets. If you do not see parking on this block other parking options are available. View the [parking map](#) and [parking fee table](#) for the area.

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- **The location for the committee meetings and Regular Board Meeting is in the Jefferson Building** on the south-east corner of [Capitol Square](#), at the intersection of 13th/Governor Street and Bank Streets.

If you have any questions about the information in this meeting packet, contact Ruth Anne Walker, ruthanne.walker@dbhds.virginia.gov, 804.225-2252.